

CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 333

Citations Affected: IC 4-1-8-1; IC 15-5-1.1-2; IC 15-5-1.1-12; IC 16-39-1-1; IC 16-41-35-29; IC 16-42; IC 20-28-1-11; IC 25-1; IC 25-4-2-13; IC 25-6.1-3-2; IC 25-7; IC 25-8; IC 25-13; IC 25-14; IC 25-15-6-4; IC 25-15-6-6; IC 25-20-1-4; IC 25-22.5-12; IC 25-23-1-19.8; IC 25-23.7-6-1; IC 25-24-3; IC 25-26; IC 25-20-1-4; IC 25-30-1-1.2; IC 25-30-1-16; IC 25-33; IC 25-34.1-9-20; IC 25-35.6-1-7.

Synopsis: Professional licensing. Requires a person who has failed the veterinarian examination three times to take remedial education before being allowed to retake the examination. Requires a provider who provides a patient with a contact lens prescription to comply with federal law. Establishes certain continuing education requirements that apply to all professions for which continuing education is required. Requires certain licensed professionals to provide the professional licensing agency (agency) or the state department of health with their Social Security numbers. Allows the agency or the state department of health to release Social Security numbers to testing services and state boards and professional organizations. Amends the definition of "school psychology" to include certain referrals to speech-language pathologists, audiologists, and occupational therapists. Requires the medical licensing board to establish a seven year pilot program for the training of graduates of international medical schools that have not been approved by the board. Establishes uniform professional license reinstatement requirements. Requires barbering and cosmetology schools to administer the practical examination. Removes barber health certificate requirements. Amends the definition of "cosmetology" to include certain acts performed on a person's torso. Allows the medical licensing board to establish conditions for the reactivation of a physician's license. Allows the agency to set a uniform renewal date for licensed manufactured home installers. Transfers the duties of the optometric legend drug prescription advisory committee to the optometry board. Removes the private detective licensure exemption for certain law enforcement officers. Establishes a limited scope temporary psychology permit. Requires a person who passes the real estate salesperson examination or broker examination to apply for a license within one year. Allows the issuance of a renewal license to certain speech-language pathologists who are not currently licensed. Repeals: provisions concerning license reinstatement, temporary barber and cosmetology licenses, master cosmetologist licenses, shampoo operator licenses, and cosmetology continuing education; an expired provision concerning hearing aid dealers; and nonconforming continuing education provisions. Makes technical and conforming amendments. **(This conference committee report:**

(1) removes the provision concerning appointments to the commission on Hispanic/Latino affairs; (2) removes the language exempting certain organizations from the food establishment requirements; (3) removes language concerning a school psychologist being a practitioner who may refer certain services; (4) and inserts an amended definition of "school psychology"; (5) removes the extension of the moratorium on the adoption by the psychology board of rules concerning restricted tests and instruments; and (6) makes technical amendments.)

Effective: Upon passage; July 1, 2005 (retroactive); July 1, 2006.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill No. 333 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 4-1-8-1, AS AMENDED BY SEA 132-2006,
- 3 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any
- 5 state agency, board, commission, department, bureau, or other entity of
- 6 state government (referred to as "state agency" in this chapter) to
- 7 provide the individual's Social Security number to the state agency
- 8 against the individual's will, absent federal requirements to the contrary.
- 9 However, the provisions of this chapter do not apply to the following:
- 10 (1) Department of state revenue.
- 11 (2) Department of workforce development.
- 12 (3) The programs administered by:
- 13 (A) the division of family resources;
- 14 (B) the division of mental health and addiction;
- 15 (C) the division of disability, aging, and rehabilitative services;
- 16 and
- 17 (D) the office of Medicaid policy and planning;
- 18 of the office of the secretary of family and social services.
- 19 (4) Auditor of state.
- 20 (5) State personnel department.
- 21 (6) Secretary of state, with respect to the registration of
- 22 broker-dealers, agents, and investment advisors.
- 23 (7) The legislative ethics commission, with respect to the

1 registration of lobbyists.

2 (8) Indiana department of administration, with respect to bidders on
3 contracts.

4 (9) Indiana department of transportation, with respect to bidders on
5 contracts.

6 (10) Indiana professional licensing agency.

7 (11) Department of insurance, with respect to licensing of
8 insurance producers.

9 (12) The department of child services.

10 (13) A pension fund administered by the board of trustees of the
11 public employees' retirement fund.

12 (14) The Indiana state teachers' retirement fund.

13 (15) The state police benefit system.

14 (16) The alcohol and tobacco commission.

15 **(17) The state department of health, for purposes of licensing**
16 **radiologic technologists under IC 16-41-35-29(c).**

17 (b) The bureau of motor vehicles may, notwithstanding this chapter,
18 require the following:

19 (1) That an individual include the individual's Social Security
20 number in an application for an official certificate of title for any
21 vehicle required to be titled under IC 9-17.

22 (2) That an individual include the individual's Social Security
23 number on an application for registration.

24 (3) That a corporation, limited liability company, firm, partnership,
25 or other business entity include its federal tax identification number
26 on an application for registration.

27 (c) The Indiana department of administration, the Indiana department
28 of transportation, and the Indiana professional licensing agency may
29 require an employer to provide its federal employer identification
30 number.

31 (d) The department of correction may require a committed offender
32 to provide the offender's Social Security number for purposes of
33 matching data with the Social Security Administration to determine
34 benefit eligibility.

35 (e) The Indiana gaming commission may, notwithstanding this
36 chapter, require the following:

37 (1) That an individual include the individual's Social Security
38 number in any application for a riverboat owner's license, supplier's
39 license, or occupational license.

40 (2) That a sole proprietorship, a partnership, an association, a
41 fiduciary, a corporation, a limited liability company, or any other
42 business entity include its federal tax identification number on an
43 application for a riverboat owner's license or supplier's license.

44 (f) Notwithstanding this chapter, the department of education
45 established by IC 20-19-3-1 may require an individual who applies to
46 the department for a license or an endorsement to provide the
47 individual's Social Security number. The Social Security number may
48 be used by the department only for conducting a background
49 investigation, if the department is authorized by statute to conduct a
50 background investigation of an individual for issuance of the license or
51 endorsement.

SECTION 2. IC 15-5-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter:

"Accredited college of veterinary medicine" means a veterinary college or division of a university or college that:

- (1) offers the degree doctor of veterinary medicine or its equivalent;
- (2) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (3) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

"Animal" means any animal other than man and includes birds, fish, mammals, and reptiles, wild or domestic.

"Approved program" means a program in veterinary technology that:

- (1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Board" means the Indiana board of veterinary medical examiners created by this chapter.

~~"Bureau" refers to the health professions bureau established by IC 25-1-5-3.~~

"ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

"Extern" means a senior veterinary student enrolled in an accredited college of veterinary medicine, or a second year student enrolled in an approved program in veterinary technology, employed by or working with a licensed veterinarian and under ~~his~~ **the licensed veterinarian's** direct supervision.

"Licensed veterinarian" means an individual who is licensed pursuant to this chapter to practice veterinary medicine in this state.

"Person" means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

"Practice of veterinary medicine" means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches or using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (2) accepting remuneration for doing any of the things described in subdivisions (3) through (6);
- (3) diagnosing a specific disease or injury, or identifying and

describing a disease process of animals, or performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals;

(4) prescribing a drug, medicine, appliance or application, or treatment of whatever nature for the prevention, cure, or relief of bodily injury or disease of animals;

(5) performing a surgical or dental operation upon an animal; or

(6) administering a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance, application, or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

"Registered veterinary technician" means a veterinary technician registered pursuant to this chapter to work under the direct supervision of a licensed veterinarian.

"Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

"Veterinary technician" means an individual who has successfully completed a program in veterinary technology of at least two (2) years in a school that conforms to the standards required for accreditation by the American Veterinary Medical Association and that is accredited by the American Veterinary Medical Association.

SECTION 3. IC 15-5-1.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year but it may hold more. The ~~bureau~~ **agency** shall give notice of the time and place for each examination at least ninety (90) days in advance of the date set for the examination. A person desiring to take an examination must make application not later than the time the board may prescribe under section 8(e) of this chapter.

(b) The preparation, administration, and grading of examinations shall be approved by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to practice veterinary medicine or to act as a veterinary technician, as the case may be. The board may adopt and use examinations approved by the National Board ~~Examination Committee~~ **of Veterinary Medical Examiners**.

(c) To qualify for a license as a veterinarian or to be registered as a veterinary technician, the applicant must attain a passing score in the examinations.

(d) After the examinations, the ~~bureau~~ **agency** shall notify each examinee of the result of the examinee's examinations and the board

shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The ~~bureau~~ **agency** shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. However, payment of the examination fee shall not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

~~(f)~~ **(g)** A license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

SECTION 4. IC 16-39-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section applies to all health records except mental health records, which are governed by IC 16-39-2, IC 16-39-3, and IC 16-39-4.

(b) This article applies to all health records, except:

- (1) records regarding communicable diseases, which are governed by IC 16-41-8-1; or
- (2) records regarding alcohol and other drug abuse patient records, which are governed by 42 CFR, Part 2.

(c) On written request and reasonable notice, a provider shall supply to a patient the health records possessed by the provider concerning the patient. **Subject to 15 U.S.C. 7601 et seq. and 16 CFR Part 315**, information regarding contact lenses must be given using the following guidelines:

- (1) After the release of a patient from an initial fitting and follow-up period of not more than six (6) months, the contact lens prescription must be released to the patient at the patient's request.
- (2) A prescription released under subdivision (1) must contain all information required to properly duplicate the contact lenses.
- (3) A contact lens prescription must include the following:
 - (A) An expiration date of ~~not more than~~ one (1) year.
 - (B) The number of refills permitted.
- (4) Instructions for use must be consistent with:
 - (A) recommendations of the contact lens manufacturer;
 - (B) clinical practice guidelines; and
 - (C) the professional judgment of the prescribing optometrist or physician licensed under IC 25-22.5.

After the release of a contact lens prescription under this subsection, liability for future fittings or dispensing of contact lenses under the original prescription lies with the dispensing company or practitioner.

(d) On a patient's written request and reasonable notice, a provider shall furnish to the patient or the patient's designee the following:

- (1) A copy of the patient's health record used in assessing the patient's health condition.
- (2) At the option of the patient, the pertinent part of the patient's health record relating to a specific condition, as requested by the

1 patient.

2 (e) A request made under this section is valid for sixty (60) days after
3 the date the request is made.

4 SECTION 5. IC 16-41-35-29 IS AMENDED TO READ AS
5 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The state
6 department shall adopt rules under IC 4-22-2 to regulate who may
7 operate a radiation machine and what level of training and experience
8 the operator must have. Rules adopted by the state department must
9 exempt from testing to establish initial qualifications an individual who:

10 (1) holds a valid certificate issued by; and

11 (2) is currently registered with;

12 the American Registry of Radiologic Technologists.

13 (b) The state department may by rule exempt an individual who:

14 (1) is currently licensed in another state as a radiologic
15 technologist; or

16 (2) performs the function of a radiologic technologist in another
17 state that does not require the licensure of a radiologic technologist;
18 from testing to establish initial qualifications.

19 (c) The state department shall issue a license to an individual meeting
20 the requirements of the rules adopted under subsection (a) for a
21 radiologic technologist upon the payment to the state department of a
22 sixty dollar (\$60) fee and the cost of testing to establish initial
23 qualifications. The license is valid for twenty-four (24) months. The
24 state department shall establish a fee for the renewal or duplication of
25 a license issued under this section not to exceed sixty dollars (\$60). In
26 addition to the renewal fee, a penalty fee of sixty dollars (\$60) shall be
27 imposed by the state department for processing an application for
28 license renewal received after the expiration of the previous license.
29 The state department may waive the penalty fee for a showing of good
30 cause.

31 **(d) An individual who applies for a license issued under**
32 **subsection (c) or who holds a license issued under subsection (c)**
33 **shall provide the individual's Social Security number to the state**
34 **department.**

35 **(e) The state department shall collect and release the applicant's**
36 **or licensee's Social Security number as provided in state or federal**
37 **law.**

38 **(f) Notwithstanding IC 4-1-10-3, the state department may allow**
39 **access to the Social Security number of each person who is licensed**
40 **under this section or has applied for a license under this section to:**

41 **(1) a testing service that provides the examination for licensure**
42 **as a radiologic technologist to the state department; or**

43 **(2) an individual state regulatory board of radiologic**
44 **technology or an organization composed of state regulatory**
45 **boards of radiologic technology for the purpose of coordinating**
46 **licensure and disciplinary activities among the individual**
47 **states.**

48 ~~(d)~~ **(g) Every owner of a radiation machine, including an industrial**
49 **radiation machine, shall have the machine inspected in accordance with**
50 **procedures and standards established by the state department. The state**
51 **department shall adopt rules under IC 4-22-2 establishing the**

procedures and standards applicable to inspections of radiation machines.

SECTION 6. IC 16-42-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A veterinarian licensed to practice veterinary medicine in Indiana.
- (3) A dentist licensed to practice dentistry in Indiana.
- (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.
- (6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

SECTION 7. IC 16-42-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatry in Indiana.
- (4) A veterinarian licensed to practice veterinary medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.

SECTION 8. IC 16-42-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatric medicine in Indiana.
- (4) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.
- (5) An advanced practice nurse licensed and granted the authority to prescribe legend drugs under IC 25-23.

SECTION 9. IC 20-28-1-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. "School psychology" means the following:

- (1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:
 - (A) education;
 - (B) developmental status;
 - (C) attention skills; and
 - (D) social, emotional, and behavioral functioning;
 as they relate to the student's learning or training in the academic or vocational environment.
- (2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community

resources to:

- (A) students;
- (B) parents of students;
- (C) teachers;
- (D) school administrators; and
- (E) school staff;

concerning learning and performance in the educational process.

(3) Participating in or conducting research relating to a student's learning and performance in the educational process:

- (A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or
- (B) screening social, affective, and behavioral functioning of the student.

(4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools, parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

- (A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing and language disorders; or**

- (B) an occupational therapist certified under IC 25-23.5 for occupational therapy services;**

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR 440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and developmentally disabled adults.

SECTION 10. IC 25-1-4-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.2. As used in this chapter, "approved organization" refers to the following:**

- (1) United States Department of Education.**
- (2) Council on Post-Secondary Education.**
- (3) Joint Commission on Accreditation of Hospitals.**
- (4) Joint Commission on Healthcare Organizations.**
- (5) Federal, state, and local government agencies.**
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.**
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.**
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).**

(9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).

(10) Any other organization or individual approved by the board.

SECTION 11. IC 25-1-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- ~~(1)~~ Indiana board of veterinary medical examiners ~~(IC 15-5-1-1)~~.
- (1) Indiana board of accountancy (IC 25-2.1-2-1).**
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).**
- ~~(2)~~ (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).**
- (5) State board of barber examiners (IC 25-7-5-1).**
- (6) State boxing commission (IC 25-9-1).**
- ~~(3)~~ (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).**
- ~~(4)~~ (9) State board of dentistry (IC 25-14-1).
- ~~(5)~~ **(10) Indiana dietitians certification board (IC 25-14.5-2-1).**
- (11) State board of registration for professional engineers (IC 25-31-1-3).**
- (12) Board of environmental health specialists (IC 25-32).**
- (13) State board of funeral and cemetery service (IC 25-15-9).**
- ~~(6)~~ **(14) Indiana state board of health facility administrators (IC 25-19-1).**
- ~~(7)~~ **(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).**
- (16) Home inspectors licensing board (IC 25-20.2-3-1).**
- ~~(8)~~ **(17) Indiana hypnotist committee (IC 25-20.5-1-7).**
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).**
- (19) Manufactured home installer licensing board (IC 25-23.7).**
- ~~(9)~~ **(20) Medical licensing board of Indiana (IC 25-22.5-2).**
- ~~(10)~~ **(21) Indiana state board of nursing (IC 25-23-1).**
- ~~(11)~~ **(22) Occupational therapy committee (IC 25-23.5).**
- ~~(12)~~ **Social worker, marriage and family therapist, and mental health counselor board ~~(IC 25-23-6)~~.**
- ~~(13)~~ **(23) Indiana optometry board (IC 25-24).**
- ~~(14)~~ **(24) Indiana board of pharmacy (IC 25-26).**
- ~~(15)~~ **(25) Indiana physical therapy committee (IC 25-27-1).**
- ~~(16)~~ **(26) Physician assistant committee (IC 25-27.5).**
- (27) Indiana plumbing commission (IC 25-28.5-1-3).**
- ~~(17)~~ **(28) Board of podiatric medicine (IC 25-29-2-1).**
- ~~(18)~~ **Board of environmental health specialists ~~(IC 25-32)~~.**
- (29) Private detectives licensing board (IC 25-30-1-5.1).**
- ~~(19)~~ **(30) State psychology board (IC 25-33).**
- (31) Indiana real estate commission (IC 25-34.1-2).**
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).**
- ~~(20)~~ **(33) Respiratory care committee (IC 25-34.5).**

(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

~~(24)~~ (35) Speech-language pathology and audiology board (IC 25-35.6-2).

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

SECTION 12. IC 25-1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction that is approved by an approved organization or the board and that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.**

SECTION 13. IC 25-1-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:**

(1) The practitioner shall provide the board with a sworn statement ~~signed~~ **executed** by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

~~(b) Every two (2) years~~ **Following every license renewal period**, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 14. IC 25-1-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter at the time that the practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board shall do the following:**

(1) Send the practitioner notice of noncompliance by certified mail.

(2) As a condition of license renewal, require the practitioner to comply with subsection (b).

(3) Issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter, within twenty-one (21) days of

receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.

(B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend the license of the practitioner and send notice of the suspension to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner suspended under subsection (c); or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1).

SECTION 15. IC 25-1-4-6 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

(1) Provide the practitioner notice of noncompliance by certified mail.

(2) Deny the practitioner's application for license renewal.

(b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

(1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).

(2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.

(3) The practitioner otherwise complies with this chapter.

SECTION 16. IC 25-1-4-7 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Credit hours acquired by a practitioner under section

5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

SECTION 17. IC 25-1-4-8 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.**

SECTION 18. IC 25-1-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.**

(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the agency or the boards; or**
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.**

SECTION 19. IC 25-1-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.**

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or**
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.**

SECTION 20. IC 25-1-8-6, AS AMENDED BY P.L.206-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) As used in this section, "board" has the meaning set forth in IC 25-1-4-0.3; means any of the following:**

- (1) Indiana board of accountancy (IC 25-2.1-2-1).**

- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 21. IC 25-4-1-14, AS AMENDED BY P.L.194-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered architect's certificate of registration and pay the required renewal fee. A registered architect whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under ~~IC 25-1-8-7~~. **IC 25-1-8-6.**

(b) Subject to subsection (c), any architect registered or licensed in this state who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate renewed at any time within a period of five (5) years after the registration expired upon:

- (1) making application to the board for renewal of the registration; and
- (2) paying a fee required under ~~IC 25-1-8-7~~. **IC 25-1-8-6.**

(c) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice.

The statement shall be entered upon the records of the board. During the period of the architect's retirement, the architect is not liable for any renewal or restoration fees. If any retired architect desires to return to the practice of architecture in Indiana within a period of five (5) years from the date that the architect files a statement under this subsection, the retired architect must:

- (1) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and
- (2) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter.

SECTION 22. IC 25-4-1-16, AS AMENDED BY P.L.194-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be established under ~~IC 25-1-8-7.~~ **IC 25-1-8-6.** The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be established by the board under IC 25-1-8-2.

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

SECTION 23. IC 25-4-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for architects.
- (2) Set minimum requirements for continuing education and training for architects.
- (3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require an architect to comply with the following: ~~renewal requirements:~~

- (1) The architect shall provide the board with a sworn statement signed by the architect that the architect has fulfilled the continuing education requirements required by the board.
- (2) The architect shall retain copies of certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. The architect shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit. **requirements under IC 25-1-4.**

(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the architects required to take continuing education courses.

SECTION 24. IC 25-4-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for landscape architects.
- (2) Set minimum requirements for continuing education and training for landscape architects.
- (3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require a landscape architect to comply with the following: ~~renewal requirements:~~

- (1) The landscape architect shall provide the board with a sworn statement signed by the landscape architect that the landscape architect has fulfilled the continuing education requirements required by the board.
- (2) ~~The landscape architect shall retain copies of certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. The landscape architect shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.~~ **requirements under IC 25-1-4.**

(c) ~~Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the landscape architects required to take continuing education courses.~~

SECTION 25. IC 25-6.1-3-2, AS AMENDED BY P.L.194-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;
- (3) not have a conviction for:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or
 - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

- (1) The value of real estate and of various goods commonly sold at an auction.
- (2) Bid calling.
- (3) Sale preparation, sale advertising, and sale summary.
- (4) Mathematics.
- (5) The provisions of this article and the commission's rules.
- (6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

(1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.

(2) Pay the license fee prescribed by section 5 of this chapter.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not more than one (1) year after the date it expired upon the payment of the renewal fee plus the reinstatement fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** and submission of proof that the applicant has complied with the continuing education requirement. If the license has expired for a period of more than one (1) year, the person must file an application and take the required examination. However, an applicant for reinstatement of an expired license is not required to complete the initial eighty (80) hour education requirement under this section in order to reinstate the expired license. The holder of an expired license shall cease to display the original wall certificate at the holder's place of business and shall return the wall certificate to the commission upon notification by the commission of the expiration of the holder's license.

(j) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

(1) is licensed to act as an auctioneer in the state of the applicant's domicile;

(2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;

(3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;

(4) is a resident of a state that grants the same privileges to the licensees of Indiana; and

(5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this

subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(k) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

(m) An applicant for a temporary permit must do the following:

(1) File an examination application.

(2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(n) An individual who does not pass the examination required under subsection (m) may not be issued a temporary permit.

SECTION 26. IC 25-7-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. The agency shall do the following:

(1) Furnish the board with suitable quarters to conduct the board's business.

(2) Maintain a record of:

(A) the proceedings of the board;

(B) each person licensed under this article, including the person's name and address; **and**

(C) the licenses issued under this article, including the:

(i) number assigned to the license by the agency;

(ii) date the license was issued; and

(iii) actions taken by the board concerning the license, including any renewal ~~suspension~~, or ~~revocation~~, **and action taken under IC 25-1-11.**

~~(D) rejected applications for a license under this article.~~

SECTION 27. IC 25-7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall conduct ~~an~~ **a written** examination of the applicants for a barber license at least four (4) times each year. The ~~tests~~ **examinations** described in this section:

(1) shall be conducted at the times and places determined by the board; **and**

(2) must concern the licensed activity of barbering, as the licensed activity is customarily taught in a barber school.

The examination may be administered through computer based testing.

(b) The examinations described in subsection (a) must include:

(1) Each applicant must pass a practical demonstration examination of the acts permitted by the license. and

(2) a written examination concerning the licensed activity; as the licensed activity is customarily taught in a The practical

- 1 **examination must be administered by the applicant's barber**
 2 **school.**
- 3 SECTION 28. IC 25-7-6-14, AS AMENDED BY P.L.194-2005,
 4 SECTION 24, IS AMENDED TO READ AS FOLLOWS
 5 [EFFECTIVE JULY 1, 2006]: Sec. 14. An expired barber license may
 6 be reinstated by payment of the reinstatement and renewal fees required
 7 under IC 25-1-8-2 and ~~IC 25-1-8-7~~ **IC 25-1-8-6** within five (5) years of
 8 the expiration date of the license. After five (5) years from the date that
 9 a barber license expires under this section, the person whose license has
 10 expired may reinstate the license only by:
- 11 (1) applying for reinstatement of the license;
 - 12 (2) paying the fees set forth under IC 25-7-11 and ~~IC 25-1-8-7~~;
 - 13 **IC 25-1-8-6; and**
 - 14 (3) taking the same examination required under IC 25-7-10 for an
 15 applicant for a license to practice as a registered barber.
- 16 SECTION 29. IC 25-7-7-3 IS AMENDED TO READ AS
 17 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application
 18 described in section 2 of this chapter must state that:
- 19 (1) the proposed school will require students to successfully
 20 complete at least one thousand five hundred (1,500) hours of
 21 course work as a requirement for graduation;
 - 22 (2) not more than eight (8) hours of course work may be taken by
 23 a student during one (1) day;
 - 24 (3) the course work will provide instruction to students in all
 25 theories and practical applications of barbering, including:
- 26 (A) the scientific fundamentals for barbering, hygiene, and
 27 bacteriology;
 - 28 (B) the histology of hair, skin, muscles, and nerves;
 - 29 (C) the structure of the head, face, and neck;
 - 30 (D) elementary chemistry relating to sterilization and antiseptics;
 - 31 (E) cutting, shaving, arranging, dressing, coloring, bleaching,
 32 tinting, and permanent waving of the hair; and
 - 33 (F) at least ten (10) hours of study on skin and diseases of the
 34 skin under a certified dermatologist;
- 35 (4) the school will provide one (1) instructor for each group of
 36 twenty (20) or fewer students;
 - 37 (5) the school will be operated under the personal supervision of a
 38 licensed barber instructor;
 - 39 (6) the applicant has obtained:
- 40 (A) a building permit;
 - 41 (B) a certificate of occupancy; or
 - 42 (C) any other planning approval required under IC 22-15-3 and
 43 IC 36-7-4;
- 44 required to operate the school;
- 45 (7) the school, if located in the same building as a residence, will:
- 46 (A) be separated from the residence by a substantial floor to
 47 ceiling partition; and
 - 48 (B) have a separate entrance; ~~and~~
- 49 **(8) as a requirement for graduation, the proposed school must:**
- 50 **(A) administer; and**
 - 51 **(B) require the student to pass;**

1 **a final practical demonstration examination of the acts**
 2 **permitted by the license; and**

3 ~~(8)~~ (9) the applicant has paid the fee set forth in IC 25-7-11-2.

4 SECTION 30. IC 25-7-7-3.5 IS ADDED TO THE INDIANA CODE
 5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2006]: **Sec. 3.5. (a) A barber school licensed under this**
 7 **chapter shall require each student for graduation to pass a final**
 8 **examination that tests the student's practical knowledge of the**
 9 **curriculum studied.**

10 **(b) The board shall consider an applicant for the barbering**
 11 **professional examination as fulfilling the practical examination**
 12 **requirement established in IC 25-7-6-5 after successfully**
 13 **completing the final practical demonstration examination.**

14 **(c) A passing score of at least seventy-five percent (75%) is**
 15 **required on the final practical demonstration examination.**

16 **(d) A barber school licensed under this chapter shall allow each**
 17 **student for graduation at least three (3) attempts to pass the final**
 18 **practical demonstration examination.**

19 **(e) The board may monitor the administration of the final**
 20 **practical demonstration examination for any of the following**
 21 **purposes:**

22 **(1) As a result of a complaint received.**

23 **(2) As part of random observations.**

24 **(3) To collect data.**

25 SECTION 31. IC 25-7-10-3 IS AMENDED TO READ AS
 26 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a)** The application
 27 described in section 2 of this chapter must state that the applicant:

28 (1) is either:

29 (A) at least eighteen (18) years of age; or

30 (B) at least seventeen (17) years of age and is a graduate of an
 31 accredited high school;

32 (2) has graduated from an approved barber school with not less
 33 than one thousand five hundred (1,500) hours of training;

34 (3) has received a satisfactory grade (as described in IC 25-7-6-6)
 35 on an examination for barber license applicants prescribed by the
 36 board;

37 (4) has not committed an act that could subject the applicant to
 38 discipline under IC 25-1-11; **and**

39 ~~(5)~~ has a certificate from a physician licensed in Indiana stating:

40 ~~(A)~~ that the applicant is free from any contagious, infectious, or
 41 communicable disease that has been epidemiologically
 42 demonstrated to be transmitted through casual contact during the
 43 practice of barbering; and

44 ~~(B)~~ the results of a tubercular and a Wasserman test; and

45 ~~(6)~~ (5) has paid the fee set forth in IC 25-7-11 for the issuance of
 46 a license under this chapter.

47 ~~(b)~~ The certificate required by subsection ~~(a)~~(5) must be dated less
 48 than thirty ~~(30)~~ days before the date that the applicant is examined
 49 under IC 25-7-6.

50 SECTION 32. IC 25-7-10-4 IS AMENDED TO READ AS
 51 FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a)** If a person does

not receive a satisfactory grade on the **written** examination described in IC 25-7-6-5, the person may repeat the examination within ninety (90) days after the date of the examination without completing any additional study in barbering.

(b) If a person does not receive a satisfactory grade on the repeat examination described in subsection (a), the person will be permitted to repeat the examination only upon proof of completion of two hundred fifty (250) additional hours of training at an approved barber school.

SECTION 33. IC 25-7-11-2, AS AMENDED BY P.L.194-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to establish fees for the application, issuance, and renewal of barber school licenses under IC 25-1-8-2.

(b) In addition to the fee charged under subsection (a), the board shall charge a fee for reinstating a barber school license under ~~IC 25-1-8-7~~. **IC 25-1-8-6.**

(c) A barber school license may not be reinstated if at least one (1) year has passed since the license expired. However, the barber school may obtain a new license by:

- (1) making application;
- (2) meeting the requirements for licensure; and
- (3) paying a fee established by the board under IC 25-1-8-2.

SECTION 34. IC 25-7-11-5, AS AMENDED BY P.L.194-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall establish fees under IC 25-1-8-2 for providing an examination to an applicant for a barber license.

(b) The board shall establish fees under IC 25-1-8-2 for issuing or renewing a barber license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a barber license.

SECTION 35. IC 25-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, **torso**, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
- (3) Arching eyebrows.
- (4) Using depilatories.
- (5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6; ~~or~~
- (3) in performing shampooing operations; or**

1 ~~(3)~~ (4) without compensation.

2 SECTION 36. IC 25-8-2-5.5 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. "Cosmetology
4 professional" refers to the following:

5 ~~(1)~~ A master cosmetologist licensed under IC 25-8-8.

6 ~~(2)~~ (1) A cosmetologist licensed under IC 25-8-9.

7 ~~(3)~~ (2) An electrologist licensed under IC 25-8-10.

8 ~~(4)~~ (3) A manicurist licensed under IC 25-8-11.

9 ~~(5)~~ A shampoo operator licensed under IC 25-8-12.

10 ~~(6)~~ (4) An esthetician licensed under IC 25-8-12.5.

11 ~~(7)~~ (5) An instructor licensed under IC 25-8-6.

12 SECTION 37. IC 25-8-3-28 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. ~~(a)~~ A member of
14 the board or any inspector or investigator may inspect:

15 (1) a cosmetology salon;

16 (2) an electrology salon;

17 (3) an esthetic salon;

18 (4) a manicuring salon; or

19 (5) a cosmetology school;

20 during its regular business hours.

21 ~~(b)~~ A member of the board, an inspector, or an investigator must
22 inspect the salon or school at least once after the applicant applies for
23 a renewal under IC 25-8-4-18 and before the license is renewed:

24 SECTION 38. IC 25-8-4-7 IS AMENDED TO READ AS
25 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a) Each applicant**
26 **must pass a final practical demonstration examination of the acts**
27 **permitted by the license. The applicant's cosmetology school shall**
28 **administer the final practical demonstration examination.**

29 **(b)** The board shall conduct ~~an~~ **a written** examination of the
30 applicants for a cosmetologist license at least once each month. The
31 board shall conduct ~~an~~ **a written** examination of the applicants for all
32 other licenses issued under this article at least four (4) times each year.
33 The ~~tests~~ **written examinations** described in this section:

34 **(1)** shall be conducted at the times and places determined by the
35 board; **and**

36 **(2) may be administered through computer based testing.**

37 SECTION 39. IC 25-8-4-19 IS AMENDED TO READ AS
38 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. The board shall
39 renew a license if the license holder

40 ~~(1)~~ pays the fee set forth in IC 25-8-13 to renew the license before
41 the license is to expire. ~~and~~

42 ~~(2)~~ fulfills the continuing education requirements under IC 25-8-15.

43 SECTION 40. IC 25-8-4-21, AS AMENDED BY P.L.194-2005,
44 SECTION 33, IS AMENDED TO READ AS FOLLOWS
45 [EFFECTIVE JULY 1, 2006]: Sec. 21. Except as provided in
46 IC 25-8-9-11, the board may, upon application, reinstate a license under
47 this chapter that has expired if the person holding the license:

48 (1) pays renewal fees established by the board under IC 25-1-8-2;

49 (2) pays the license reinstatement fee established under
50 ~~IC 25-1-8-7;~~ **IC 25-1-8-6; and**

51 (3) complies with all requirements imposed by this article on an

applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board. ~~and~~

~~(4) fulfills the continuing education requirements under IC 25-8-15.~~

SECTION 41. IC 25-8-4-23, AS AMENDED BY P.L.194-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. The board may reinstate a license issued under this article held by a person described in section 22(a) of this chapter if the applicant:

- (1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-8-13;
- (3) pays the reinstatement fee established under ~~IC 25-1-8-7;~~ **IC 25-1-8-6;** and
- (4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated.

SECTION 42. IC 25-8-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than eight (8) hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;
- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:
 - (A) be separated from the residence by a substantial floor to ceiling partition; and
 - (B) have a separate entry; ~~and~~

(8) as a requirement for graduation, the proposed school must:

- (A) administer; and**
 - (B) require the student to pass;**
- a final practical demonstration examination of the acts permitted by the license; and**

~~(8)~~ **(9) the applicant has paid the fee set forth in IC 25-8-13-3.**

SECTION 43. IC 25-8-5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the**

curriculum studied.

(b) The board shall consider an applicant for the cosmetology professional examination as fulfilling the practical examination requirement established by IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.

(2) As part of random observations.

(3) To collect data.

SECTION 44. IC 25-8-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, manicuring, ~~shampooing~~, or the instruction of cosmetology, esthetics, or electrology.

SECTION 45. IC 25-8-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. A person must file a verified application for a temporary:

(1) cosmetologist work permit;

(2) electrologist work permit;

(3) esthetician work permit;

(4) manicurist work permit;

~~(5) shampoo operator work permit;~~

~~(6)~~ (5) cosmetology instructor work permit;

~~(7)~~ (6) esthetics instructor work permit; or

~~(8)~~ (7) electrology instructor work permit;

with the board on a form prescribed by the board to obtain that work permit.

SECTION 46. IC 25-8-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice cosmetology under the supervision of a cosmetologist; and

(2) has filed an application under:

(A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or

(B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice electrology under the supervision of an electrologist; and

(2) has filed an application under:

(A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or

- 1 (B) IC 25-8-4-2 and is awaiting a board determination.
- 2 (c) The temporary esthetician work permit application described in
- 3 section 8 of this chapter must state that the applicant:
- 4 (1) will practice esthetics under the supervision of an esthetician;
- 5 and
- 6 (2) has filed an application under:
- 7 (A) IC 25-8-12.5-3, but has not taken the examination described
- 8 in ~~IC 25-8-12.5-4(a)(4)~~; **IC 25-8-12.5-4(4)**; or
- 9 (B) IC 25-8-4-2 and is awaiting a board determination.
- 10 (d) The temporary manicurist work permit application described in
- 11 section 8 of this chapter must state that the applicant:
- 12 (1) will practice manicuring under the supervision of a
- 13 cosmetologist or manicurist; and
- 14 (2) has filed an application under:
- 15 (A) IC 25-8-11-3, but has not taken the examination described in
- 16 IC 25-8-11-4(4); or
- 17 (B) IC 25-8-4-2 and is awaiting a board determination.
- 18 ~~(e) The temporary shampoo operator work permit application~~
- 19 ~~described in section 8 of this chapter must state that the applicant:~~
- 20 ~~(1) will practice shampooing under the supervision of a~~
- 21 ~~cosmetologist; and~~
- 22 ~~(2) has filed an application under:~~
- 23 ~~(A) IC 25-8-12-2, but has not taken the examination described in~~
- 24 ~~IC 25-8-12-3(4); or~~
- 25 ~~(B) IC 25-8-4-2 and is awaiting a board determination.~~
- 26 ~~(f)(e)~~ The temporary cosmetology instructor work permit application
- 27 described in section 8 of this chapter must state that the applicant:
- 28 (1) will practice the instruction of cosmetology under the
- 29 supervision of a cosmetology instructor; and
- 30 (2) has filed an application under:
- 31 (A) IC 25-8-6-2, but has not taken the examination described in
- 32 IC 25-8-6-3(6); or
- 33 (B) IC 25-8-4-2 and is awaiting a board determination.
- 34 ~~(g)~~ **(f)** The temporary esthetics instructor work permit application
- 35 described in section 8 of this chapter must state that the applicant:
- 36 (1) will practice the instruction of esthetics under the supervision
- 37 of a cosmetology or an esthetics instructor; and
- 38 (2) has filed an application under:
- 39 (A) IC 25-8-6.1-2, but has not taken the examination described
- 40 in IC 25-8-6.1-3(6); or
- 41 (B) IC 25-8-4-5 and is awaiting a board determination described
- 42 in IC 25-8-4-2.
- 43 ~~(h)~~ **(g)** The temporary electrology instructor work permit application
- 44 described in section 8 of this chapter must state that the applicant:
- 45 (1) will practice the instruction of electrology under the supervision
- 46 of an electrology instructor; and
- 47 (2) has filed an application under:
- 48 (A) IC 25-8-6.2-2, but has not taken the examination described
- 49 in IC 25-8-6.2-3(6); or
- 50 (B) IC 25-8-4-2 and is awaiting a board determination.
- 51 SECTION 47. IC 25-8-13-3, AS AMENDED BY P.L.194-2005,

SECTION 41, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~
IC 25-1-8-6 for reinstating a cosmetology school license.

SECTION 48. IC 25-8-13-4, AS AMENDED BY P.L.194-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology instructor license;
- (2) an esthetics instructor license; or
- (3) an electrology instructor license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~
IC 25-1-8-6 for reinstating an instructor license.

SECTION 49. IC 25-8-13-5, AS AMENDED BY P.L.194-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~
IC 25-1-8-6 for reinstating:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

SECTION 50. IC 25-8-13-7, AS AMENDED BY P.L.194-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a cosmetologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a cosmetologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~
IC 25-1-8-6 for reinstating a cosmetologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person who holds a license from another jurisdiction that meets the requirements set forth in IC 25-8-4-2.

SECTION 51. IC 25-8-13-8, AS AMENDED BY P.L.194-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an electrologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~
IC 25-1-8-6 for reinstating an electrologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 52. IC 25-8-13-9, AS AMENDED BY P.L.194-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a manicurist license.

(c) The board shall charge a fee required under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a manicurist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 53. IC 25-8-13-11, AS AMENDED BY P.L.194-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an esthetician license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an esthetician license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 54. IC 25-8-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. An individual with an inactive license:

(1) may not perform an act that requires a cosmetology professional license listed under IC 25-8-2-5.5; **and**

~~(2) is not required to fulfill the continuing education requirements under IC 25-8-15; and~~

~~(3)~~ **(2) is not required to pay any fees that a licensee is required to pay until the inactive cosmetology professional applies for reinstatement of the individual's license.**

SECTION 55. IC 25-8-16-3, AS AMENDED BY P.L.194-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If an inactive cosmetology professional intends to apply for reinstatement of the professional's license, the cosmetology professional shall notify the board of that intent. The board may reinstate the cosmetology professional's license upon notification and receipt of:

(1) an application; and

~~(2) evidence of completion during the preceding four (4) years of at least sixteen (16) hours of continuing education in a continuing education course approved by the board under IC 25-8-15.~~

(2) the fee established by the board under IC 25-1-8-2 for restoration of an inactive license.

SECTION 56. IC 25-13-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Subject to ~~IC 25-1-4-3~~, every two (2) years The board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of and the dental hygienists required to take hygienist shall comply with the requirements under IC 25-1-4 concerning continuing education. ~~courses.~~

(b) When requested by the board, a dental hygienist shall provide the board with a copy of each verification of attendance retained by the dental hygienist for the previous three (3) years.

SECTION 57. IC 25-14-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Subject to ~~IC 25-1-4-3~~, every two (2) years The board shall randomly audit for compliance at least one percent (1%) but not more than ten percent (10%) of the dentists required to take and the dentist shall comply with the requirements under IC 25-1-4 concerning continuing education. ~~courses.~~

(b) When requested by the board, a dentist shall provide the board with a copy of each verification of attendance retained by the dentist for the previous three (3) years.

SECTION 58. IC 25-15-6-4, AS AMENDED BY P.L.194-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The board shall reinstate the expired license of an individual who:

- (1) was licensed as a funeral director or embalmer;
- (2) applies for reinstatement of the funeral director license or embalmer license within two (2) years or four (4) years of the date that the license expired as set by the board;
- (3) pays a fee established under ~~IC 25-1-8-7~~; **IC 25-1-8-6**; and
- (4) meets the continuing education requirements set by the board.

SECTION 59. IC 25-15-6-6, AS AMENDED BY P.L.194-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The board may reinstate the license of:

- (1) a person that has allowed a funeral home license to expire only if the person reapplies for a funeral home license, pays a fee established under ~~IC 25-1-8-7~~; **IC 25-1-8-6**, and otherwise meets the requirements in IC 25-15-4-1;
- (2) an individual whose funeral director intern license has expired only if the individual reapplies for a funeral director intern license, takes another examination, if required by the board, pays a fee established under ~~IC 25-1-8-7~~; **IC 25-1-8-6**, and otherwise meets the requirements in IC 25-15-4-2; or
- (3) an individual whose funeral director license has expired after the time set in section 4 of this chapter has run only if the individual reapplies for a funeral director license, takes another examination, pays a fee established under ~~IC 25-1-8-7~~; **IC 25-1-8-6**, and otherwise meets the requirements in IC 25-15-4-3(b).

The board may not reinstate an embalmer license or a funeral director license for a person qualified only under IC 25-15-4-3(d) after the time set under section 4 of this chapter has expired.

SECTION 60. IC 25-22.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of ~~his~~ **the physician's** intention to retire. ~~and shall surrender his license to practice to the board.~~ Upon receipt of this notice, ~~and license,~~ the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician ~~surrenders his~~ **retires the physician's** license to practice medicine or osteopathic medicine in this state, reinstatement of the license may be considered by the board upon written request. The board may impose any conditions it considers appropriate to the ~~surrender retirement~~ or to the reinstatement of a ~~surrendered retired~~ license. If any disciplinary proceedings under this chapter are pending against a physician, ~~he the~~ **the physician** may not surrender ~~his or retire the physician's~~ license to practice without the written approval of the board.

(b) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to become inactive in the practice of medicine shall notify the board in writing that:

- (1) ~~he the physician~~ will not maintain an office or practice; and
- (2) if ~~he the physician~~ does render a service that constitutes the practice of medicine, ~~he the physician~~ will not charge a fee for that service.

The board shall then classify the physician's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the registration fee.

(c) If a physician holding an inactive license intends to maintain an office or practice or charge a fee for ~~his~~ **the physician's** medical services, ~~he the physician~~ shall notify the board of the intent to reactivate a license to practice medicine or osteopathy. **As a condition of reactivation, the board may require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than four (4) years and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status.** Upon:

- (1) notification; ~~and~~
- (2) receipt of the regular registration fee for a physician's license, **less the amount paid for the current inactive license; and**
- (3) either:
 - (A) verification of active licensure in another jurisdiction; or
 - (B) completion of other reasonable requirements imposed by the board, **after the physician's work history has been established;**

the board shall reinstate that physician's license.

SECTION 61. IC 25-22.5-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2006]:

Chapter 12. Residency Pilot Program for Qualified International Medical School Graduates

Sec. 1. As used in this chapter, "graduate" means a qualified international medical school graduate.

Sec. 2. As used in this chapter, "resident" means a graduate who has been accepted in the residency pilot program under this chapter.

Sec. 3. The board shall work with primary care residency programs, limited to family medicine, pediatrics, and internal medicine residency programs, to develop a pilot program for a period of seven (7) academic years to better identify, evaluate, and prepare qualified graduates for future practice in Indiana.

Sec. 4. The board shall allow family medicine, pediatrics, and internal medicine residency programs in Indiana that elect to participate in the residency pilot program to accept graduates from medical schools that:

- (1) are not on the board's list of approved medical schools; and
- (2) are not on the list of schools disapproved for postgraduate medical education training.

Sec. 5. The board shall develop an application process for each approved residency program's participation in the residency pilot program.

Sec. 6. The list of disapproved medical schools must be updated by August 1 of each year to the best ability of the board to exclude any medical schools that are not known to be qualified educational institutions.

Sec. 7. The program director of a residency pilot program that wants to participate in the residency program shall submit a letter to the board requesting that the accepted residency candidate receive a temporary permit for residency training. A representative of the residency pilot program must appear with the candidate for a hearing of the board.

Sec. 8. A temporary permit to participate in residency training may be:

- (1) issued to a graduate for one (1) year; and
 - (2) renewed for two (2) additional one (1) year periods;
- until completion of the residency program. The board may require the graduate to appear before the board.

Sec. 9. A candidate for the residency program must be certified by the Education Commission for Foreign Medical Graduates (ECFMG) to participate in the residency pilot program.

Sec. 10. The director of a participating residency pilot program shall submit a written progress report to the board within three (3) months after the beginning of training of a resident to verify that the resident is providing the quality of medical care to patients expected at the level of medical experience and training of the resident.

Sec. 11. The residency program director shall promptly inform the board in writing if a pilot program resident is:

- (1) dismissed for failure to meet the professional expectations

of the residency program; or

(2) incapable of competent medical practice.

Sec. 12. The residency program director shall submit a report concerning the progress of each resident to the board at the completion of the first and second years of the resident's training recommending renewal of the temporary medical permit for one (1) additional year if the resident's performance is satisfactory.

Sec. 13. (a) Upon the resident's completion of the three (3) year training program, the residency program director may be required to appear before the board to:

(1) verify the competency of the resident; and

(2) recommend that the candidate be issued a license to enable the candidate to practice medicine in Indiana.

If the resident was granted a temporary permit under the residency pilot program, a graduate participating in the program may not be issued a permanent license until the graduate completes the three (3) years of pilot program residency training and completes two (2) years of practice in Indiana to complete the pilot program requirements. The type of license the graduating resident obtains for the two (2) years of practice after residency shall be determined by the board. The board may defer the practice requirement if the resident requests a delay to participate in an Accreditation Council on Graduate Medical Education (ACGME) accredited fellowship program that enhances the practice of primary care. The candidate must appear before the board for permanent license approval.

(b) Failure to complete the residency pilot program for reasons including:

(1) negligence;

(2) incompetency; or

(3) issues of professionalism;

is an adverse event reportable to medical licensing boards in other states. Issues not related to performance are not reportable events.

Sec. 14. International medical school graduates who have successfully completed the residency pilot program and have met all requirements of this chapter:

(1) shall be given equal standing for licensure with other international medical school graduates who have graduated from approved medical schools; and

(2) must meet all other licensure requirements under IC 25-22.5-3-1.

Sec. 15. The board shall collect information and data during the residency pilot program concerning the:

(1) successes of;

(2) failures of;

(3) difficulties encountered in; and

(4) number of residents involved in, entering, and graduating from;

the program.

The information must include data based on the six (6) required ACGME competencies used to evaluate all residents.

Sec. 16. There may not be more than two (2) graduates allowed

1 **under this pilot program for each approved primary care residency**
 2 **program.**

3 **Sec. 17. This chapter expires December 31, 2013.**

4 SECTION 62. IC 25-23-1-19.8 IS AMENDED TO READ AS
 5 FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.8. (a) Before
 6 December 31 of an even-numbered year, the ~~bureau~~ **Indiana**
 7 **professional licensing agency** or the ~~bureau's~~ **agency's** designee shall
 8 randomly audit at least one percent (1%) but not more than ten percent
 9 (10%) of the practice agreements of advanced practice nurses with
 10 authority to prescribe legend drugs under section 19.5 of this chapter to
 11 determine whether the practice agreement meets the requirements of
 12 this chapter or rules adopted by the board.

13 (b) The ~~bureau~~ **Indiana professional licensing agency** shall establish
 14 an audit procedure, which may include the following:

15 (1) Requiring the advanced practice nurse to provide the ~~bureau~~
 16 **agency** with a copy of verification of attendance at or completion
 17 of a continuing education course or program the advanced practice
 18 nurse attended during the previous two (2) years.

19 (2) Requiring the advanced practice nurse and the licensed
 20 practitioner who have entered into a practice agreement to submit
 21 information on a form prescribed by the ~~bureau~~ **agency** that must
 22 include a sworn statement signed by the advanced practice nurse
 23 and the licensed practitioner that the parties are operating within
 24 the terms of the practice agreement and the requirements under this
 25 chapter or rules adopted by the board.

26 (3) Reviewing patient health records and other patient information
 27 at the practice location or by requiring the submission of accurate
 28 copies to determine if the parties are operating within the terms of
 29 the practice agreement and the requirements under this chapter or
 30 rules adopted by the board.

31 (4) After a reasonable determination that the advanced practice
 32 nurse and the licensed practitioner who have entered into a practice
 33 agreement are not operating within the terms of the practice
 34 agreement, requiring the parties to appear before the ~~bureau~~ **agency**
 35 or the ~~bureau's~~ **agency's** designee to provide evidence of
 36 compliance with the practice agreement.

37 (c) Not more than sixty (60) days after the completion of the audit
 38 required in subsection (a), the ~~bureau~~ **Indiana professional licensing**
 39 **agency** shall provide the board with the following:

40 (1) A summary of the information obtained in the audit.

41 (2) A statement regarding whether an advanced practice nurse and
 42 a licensed practitioner who have entered into a practice agreement
 43 that is audited under subsection (a) are operating within the terms
 44 of the practice agreement.

45 The ~~bureau~~ **agency** shall also provide a copy of the information
 46 described in this subsection to the board that regulates the licensed
 47 practitioner.

48 (d) The ~~bureau~~ **Indiana professional licensing agency** may cause to
 49 be served upon the advanced practice nurse an order to show cause to
 50 the board as to why the board should not impose disciplinary sanctions
 51 under IC 25-1-9-9 on the advanced practice nurse for the advanced

practice nurse's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(e) **Except for a violation concerning continuing education requirements under IC 25-1-4**, the board shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (d).

(f) The board that regulates the licensed practitioner may cause to be served upon the licensed practitioner an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the licensed practitioner for the licensed practitioner's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(g) The board that regulates the licensed practitioner shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (f).

(h) An order to show cause issued under this section must comply with the notice requirements of IC 4-21.5.

(i) The licensed practitioner may divulge health records and other patient information to the ~~bureau~~ **Indiana professional licensing agency** or the ~~bureau's agency's~~ designee. The licensed practitioner is immune from civil liability for any action based upon release of the patient information under this section.

SECTION 63. IC 25-23.7-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Notwithstanding IC 25-1-2, **the holder of a license issued under IC 25-23.7-5 expires must renew the license and pay the required renewal fee every four** (4) years after it is issued ~~at a time and on or before the date designated established~~ by the ~~board~~ **Indiana professional licensing agency under IC 25-1-6-4**.

SECTION 64. IC 25-24-1-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. (a) Notwithstanding section 3 of this chapter, the board may issue or renew a limited license to practice optometry at the Indiana University School of Optometry if the applicant:

(1) holds an active license in another jurisdiction; and

(2) meets the continuing education requirements under section 14.1 of this chapter.

(b) A limited license issued under this section is valid for two (2) years.

(c) A limited license issued under this section does not allow the holder of the license to be granted or have renewed a certificate to administer, dispense, or prescribe legend drugs unless the holder of the license meets the requirements of ~~IC 25-26-15-15, IC 25-26-15-16, and IC 25-26-15-18~~ **IC 25-24-3-12, IC 25-24-3-13, and IC 25-23-3-15**.

SECTION 65. IC 25-24-3 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3. Optometric Legend Drugs

Sec. 1. As used in this chapter, "associated structures of the eye"

1 means the:

- 2 (1) eyelids;
- 3 (2) eyebrows;
- 4 (3) conjunctiva;
- 5 (4) lachrymal apparatus; and
- 6 (5) orbital tissues.

7 Sec. 2. As used in this chapter, "administer" means the direct
8 application of a legend drug by an optometrist to a patient.

9 Sec. 3. As used in this chapter, "board" means the Indiana
10 optometry board established by IC 25-24-1-1.

11 Sec. 4. As used in this chapter, "diagnostic legend drug" means
12 a pharmacological agent approved by the board that is used in the
13 examination of the human eye to detect abnormalities.

14 Sec. 5. As used in this chapter, "dispense" means to deliver a
15 legend drug to an ultimate user by or pursuant to a lawful order of
16 an optometrist. The term includes the:

- 17 (1) prescribing;
- 18 (2) administering;
- 19 (3) packaging;
- 20 (4) labeling; or
- 21 (5) compounding;

22 necessary to prepare the drug for delivery.

23 Sec. 6. As used in this chapter, "legend drug" has the meaning set
24 forth in IC 16-18-2-199. The term does not include controlled
25 substances (as defined in IC 35-48-1-9).

26 Sec. 7. As used in this chapter, "optometrist" means an
27 individual licensed as an optometrist under IC 25-24-1.

28 Sec. 8. As used in this chapter, "prescription" means a written
29 order or an order transmitted by other means of communication
30 that is immediately reduced to writing by the pharmacist or, for
31 electronically transmitted orders, recorded in an electronic format
32 from an optometrist to or for an ultimate user for a drug or device,
33 containing:

- 34 (1) the name and address of the patient;
- 35 (2) the date of issue;
- 36 (3) the name and strength or size (if applicable) of the drug or
37 device;
- 38 (4) the amount to be dispensed (unless indicated by directions
39 and duration of therapy);
- 40 (5) adequate directions for the proper use of the drug or device
41 by the patient;
- 42 (6) the name and certification number of the prescribing
43 optometrist; and
- 44 (7) if the prescription:
 - 45 (A) is in written form, the signature of the optometrist; or
 - 46 (B) is in electronic form, the electronic signature of the
47 optometrist.

48 Sec. 9. As used in this chapter, "therapeutic legend drug" means
49 a pharmacological agent that is used in the treatment of a
50 diagnosed condition of the:

- 51 (1) human eye; or

(2) associated structures of the human eye.

Sec. 10. The board shall do the following:

(1) Adopt rules under IC 4-22-2 to do the following:

(A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.

(B) Set fees described in IC 25-1-8.

(C) Carry out this chapter.

(2) Establish education and training requirements in ocular pharmacology required for certification to do the following:

(A) Administer therapeutic legend drugs.

(B) Dispense legend drugs.

(C) Prescribe legend drugs.

(3) Establish continuing education requirements for renewal of the certificate issued under this chapter.

Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

(1) may be independently prescribed by an optometrist; or

(2) must be dependently prescribed by an optometrist.

(b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

(1) those legend drugs for which the optometrist must notify only the patient's physician that the optometrist is prescribing the legend drug; and

(2) those legend drugs for which the optometrist must consult with the patient's physician before prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

(1) the patient's physician has been contacted; or

(2) the patient has indicated to the optometrist that the patient has no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may prescribe the legend drug without notifying the patient's physician.

Sec. 12. The board shall issue a certificate to a licensed optometrist who:

(1) applies; and

(2) successfully fulfills all the requirements of this chapter.

Sec. 13. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet the following requirements:

(1) Apply in the form and manner prescribed by the board.

(2) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.

(3) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in

Optometry.

(4) Pay the fee established by the board.

Sec. 14. An applicant must hold a license to practice optometry in order to hold a certificate.

Sec. 15. The board shall renew a certificate issued under this chapter:

(1) concurrently with the renewal of the optometrist's license to practice optometry;

(2) upon payment of the renewal fee established by the board; and

(3) upon completion of continuing education requirements established under section 10 of this chapter.

Sec. 16. (a) Optometrists may administer topical diagnostic legend drugs limited to:

(1) miotics;

(2) mydriatics;

(3) anesthetics; and

(4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize an optometrist holding a certificate issued under this chapter to:

(1) administer for therapeutic use;

(2) dispense; or

(3) prescribe;

legend drugs that are included in the formulary established by the board under section 10 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye.

Sec. 17. (a) An optometrist may not:

(1) administer, dispense, or prescribe therapeutic legend drugs; or

(2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 66. IC 25-26-13-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. Pharmacists licensed by Indiana may fill prescriptions of optometrists who are:

(1) licensed by Indiana; and

(2) certified under ~~IC 25-26-15~~; IC 25-24-3;

for a drug that is included in the formulary adopted under ~~IC 25-26-15-13~~. IC 25-24-3-10.

SECTION 67. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in ~~IC 3-6-6-36~~) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of private detective as an individual with the assistance of a licensed or unlicensed person.

SECTION 68. IC 25-30-1-16, AS AMENDED BY P.L.194-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Unless a license is renewed, a license and the identification cards of the licensee's employees issued under this chapter expire on a date specified by the licensing agency under IC 25-1-6-4 and expire biennially after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) A licensee desiring a renewal license must:

- (1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and
- (2) meet the license renewal requirements determined by the board.

(d) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

- (1) Files an application for renewal with the board.
- (2) Meets the license requirements determined by the board.
- (3) Pays a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6**.

(e) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

SECTION 69. IC 25-33-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.5. (a) A person who:**

- (1) is licensed to practice psychology by any board or licensing agency of another state or jurisdiction; and**
- (2) meets the requirements established by the board;**

may be issued a temporary psychology permit limited by terms and conditions considered appropriate by the board. A limited scope temporary psychology permit issued under this subsection is valid for a nonrenewable period of not more than thirty (30) days. A psychologist may practice under a limited scope psychology permit not more than thirty (30) days every two (2) years.

(b) The board may adopt rules under section 3 of this chapter establishing requirements for limited scope temporary psychology permits.

(c) An individual who holds a limited scope temporary psychology permit under this section may be disciplined by the board under IC 25-1-9.

SECTION 70. IC 25-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~Subject to IC 25-1-4-3, every two (2) years~~ The board shall randomly audit and licensed psychologists to ensure compliance of ~~shall comply with the requirements concerning~~ continuing education requirement under

1 **IC 25-1-4.**

2 (b) When requested by the board, a psychologist shall provide the
3 board with a copy of each verification of attendance retained by the
4 psychologist for the previous three (3) years.

5 SECTION 71. IC 25-34.1-3-3.1, AS AMENDED BY P.L.194-2005,
6 SECTION 85, IS AMENDED TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2006]: Sec. 3.1. (a) To obtain a salesperson
8 license, an individual must:

9 (1) be at least eighteen (18) years of age before applying for a
10 license and must not have a conviction for:

11 (A) an act that would constitute a ground for disciplinary
12 sanction under IC 25-1-11;

13 (B) a crime that has a direct bearing on the individual's ability to
14 practice competently; or

15 (C) a crime that indicates the individual has the propensity to
16 endanger the public;

17 (2) have successfully completed courses in the principles, practices,
18 and law of real estate, totaling eight (8) semester credit hours, or
19 their equivalent, as a student at an accredited college or university
20 or have successfully completed an approved salesperson course as
21 provided in IC 25-34.1-5-5(a);

22 (3) apply for a license by submitting the ~~application~~ fee prescribed
23 by the commission and an application containing the name,
24 address, and age of the applicant, the name under which the
25 applicant intends to conduct business, the principal broker's address
26 where the business is to be conducted, proof of compliance with
27 subdivision (2), and any other information the commission
28 requires;

29 (4) pass a written examination prepared and administered by the
30 commission or its duly appointed agent; and

31 (5) submit not more than one ~~hundred twenty (120) days~~ **(1) year**
32 after passing the written examination under subdivision (4)

33 ~~(A) the license fee established by the commission under~~
34 ~~IC 25-1-8-2; and~~

35 ~~(B) a sworn certification of a principal broker that the principal~~
36 ~~broker intends to associate with the applicant and maintain that~~
37 ~~association until notice of termination of the association is given~~
38 ~~to the commission.~~

39 (b) Upon the applicant's compliance with the requirements of
40 subsection (a), the commission shall:

41 (1) issue a wall certificate in the name of the salesperson to the
42 principal broker who certified the applicant's association with the
43 principal broker; and

44 (2) issue to the salesperson a pocket identification card which
45 certifies that the salesperson is licensed and indicates the expiration
46 date of the license and the name of the principal broker.

47 (c) Notice of passing the commission examination serves as a
48 temporary permit to act as a salesperson as soon as the applicant sends,
49 by registered or certified mail with return receipt requested, the ~~license~~
50 ~~fee and certification as prescribed in subsection (a)(5)(A) and (a)(5)(B):~~

51 **(a)(5).** The temporary permit expires the earliest of the following:

- 1 (1) The date the license is issued.
- 2 (2) The date the applicant's association with the certifying principal
- 3 broker is terminated.
- 4 The temporary permit may not be renewed, extended, reissued, or
- 5 otherwise effective for any association other than with the initial
- 6 certifying principal broker.
- 7 (d) A salesperson shall:
- 8 (1) act under the auspices of the principal broker responsible for
- 9 that salesperson's conduct under this article;
- 10 (2) be associated with only one (1) principal broker;
- 11 (3) maintain evidence of licensure in the office, branch office, or
- 12 sales outlet of the principal broker;
- 13 (4) advertise only in the name of the principal broker, with the
- 14 principal broker's name in letters of advertising larger than that of
- 15 the salesperson's name; and
- 16 (5) not maintain any real estate office apart from that office
- 17 provided by the principal broker.
- 18 (e) Upon termination of a salesperson's association with a principal
- 19 broker, the salesperson's license shall be returned to the commission
- 20 within five (5) business days. The commission shall reissue the license
- 21 to any principal broker whose certification, as prescribed in subsection
- 22 ~~(a)(5)(B)~~, **(a)(5)**, is filed with the commission, and the commission shall
- 23 issue a new identification card to the salesperson reflecting that change.
- 24 (f) Unless a license is renewed, a salesperson license expires on a
- 25 date specified by the licensing agency under IC 25-1-6-4 and expires
- 26 biennially after the initial expiration date. An applicant for renewal
- 27 shall submit an application in the manner prescribed by the board and
- 28 pay the renewal fee established by the board under IC 25-1-8-2 on or
- 29 before the renewal date specified by the licensing agency. If the holder
- 30 of a license does not renew the license by the date specified by the
- 31 licensing agency, the license expires and becomes invalid without the
- 32 board taking any action. If a salesperson fails to reinstate a license
- 33 within eighteen (18) months after expiration, a license may not be
- 34 issued unless that salesperson again complies with the requirements of
- 35 subsection (a)(3), (a)(4), and (a)(5).
- 36 (g) A salesperson license may be issued to an individual who is not
- 37 yet associated with a principal broker but who otherwise meets the
- 38 requirements of subsection (a). A license issued under this subsection
- 39 shall be held by the commission in an unassigned status until the date
- 40 the individual submits the certification of a principal broker required by
- 41 subsection (a)(5). If the individual does not submit the application for
- 42 licensure within one ~~hundred twenty (120) days~~ **(1) year** after passing
- 43 the commission examination, the commission shall void the application
- 44 and may not issue a license to that applicant unless the applicant again
- 45 complies with the requirements of subsection (a)(4) through (a)(5).
- 46 (h) If an individual holding a salesperson license is not associated
- 47 with a principal broker for two (2) successive renewal periods, the
- 48 commission shall notify the individual in writing that the individual's
- 49 license will become void if the individual does not associate with a
- 50 principal broker within thirty (30) days from the date the notification is
- 51 mailed. A void license may not be renewed.

SECTION 72. IC 25-34.1-3-4.1, AS AMENDED BY P.L.194-2005,
SECTION 86, IS AMENDED TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2006]: Sec. 4.1. (a) To obtain a broker license,
an individual must:

(1) be at least eighteen (18) years of age before applying for a
license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary
sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to
practice competently; or

(C) a crime that indicates the individual has the propensity to
endanger the public;

(2) have satisfied section 3.1(a)(2) of this chapter and have had
continuous active experience for one (1) year immediately
preceding the application as a licensed salesperson in Indiana.
However, this one (1) year experience requirement may be waived
by the commission upon a finding of equivalent experience;

(3) have successfully completed an approved broker course of
study as prescribed in IC 25-34.1-5-5(b);

(4) apply for a license by submitting the application fee prescribed
by the commission and an application specifying the name,
address, and age of the applicant, the name under which the
applicant intends to conduct business, the address where the
business is to be conducted, proof of compliance with subdivisions
(2) and (3), and any other information the commission requires;

(5) pass a written examination prepared and administered by the
commission or its duly appointed agent; and

(6) within one ~~hundred twenty (120) days~~ **(1) year** after passing the
commission examination, submit the license fee established by the
commission under IC 25-1-8-2. If an individual applicant fails to
file a timely license fee, the commission shall void the application
and may not issue a license to that applicant unless that applicant
again complies with the requirements of subdivisions (4) and (5)
and this subdivision.

(b) To obtain a broker license, a partnership must:

(1) have as partners only individuals who are licensed brokers;

(2) have at least one (1) partner who:

(A) is a resident of Indiana; or

(B) is a principal broker under IC 25-34.1-4-3(b);

(3) cause each employee of the partnership who acts as a broker or
salesperson to be licensed; and

(4) submit the license fee established by the commission under
IC 25-1-8-2 and an application setting forth the name and residence
address of each partner and the information prescribed in
subsection (a)(4).

(c) To obtain a broker license, a corporation must:

(1) have a licensed broker:

(A) residing in Indiana who is either an officer of the corporation
or, if no officer resides in Indiana, the highest ranking corporate
employee in Indiana with authority to bind the corporation in real
estate transactions; or

- 1 (B) who is a principal broker under IC 25-34.1-4-3(b);
- 2 (2) cause each employee of the corporation who acts as a broker or
- 3 salesperson to be licensed; and
- 4 (3) submit the license fee established by the commission under
- 5 IC 25-1-8-2, an application setting forth the name and residence
- 6 address of each officer and the information prescribed in subsection
- 7 (a)(4), a copy of the certificate of incorporation, and a certificate of
- 8 good standing of the corporation issued by the secretary of state.
- 9 (d) To obtain a broker license, a limited liability company must:
- 10 (1) if a member-managed limited liability company:
- 11 (A) have as members only individuals who are licensed brokers;
- 12 and
- 13 (B) have at least one (1) member who is:
- 14 (i) a resident of Indiana; or
- 15 (ii) a principal broker under IC 25-34.1-4-3(b);
- 16 (2) if a manager-managed limited liability company, have a
- 17 licensed broker:
- 18 (A) residing in Indiana who is either a manager of the company
- 19 or, if no manager resides in Indiana, the highest ranking company
- 20 officer or employee in Indiana with authority to bind the
- 21 company in real estate transactions; or
- 22 (B) who is a principal broker under IC 25-34.1-4-3(b);
- 23 (3) cause each employee of the limited liability company who acts
- 24 as a broker or salesperson to be licensed; and
- 25 (4) submit the license fee established by the commission under
- 26 IC 25-1-8-2 and an application setting forth the information
- 27 prescribed in subsection (a)(4), together with:
- 28 (A) if a member-managed company, the name and residence
- 29 address of each member; or
- 30 (B) if a manager-managed company, the name and residence
- 31 address of each manager, or of each officer if the company has
- 32 officers.
- 33 (e) Licenses granted to partnerships, corporations, and limited
- 34 liability companies are issued, expire, are renewed, and are effective on
- 35 the same terms as licenses granted to individual brokers, except as
- 36 provided in subsection (h), and except that expiration or revocation of
- 37 the license of:
- 38 (1) any partner in a partnership or all individuals in a corporation
- 39 satisfying subsection (c)(1); or
- 40 (2) a member in a member-managed limited liability company or
- 41 all individuals in a manager-managed limited liability company
- 42 satisfying subsection (d)(2);
- 43 terminates the license of that partnership, corporation, or limited
- 44 liability company.
- 45 (f) Upon the applicant's compliance with the requirements of
- 46 subsection (a), (b), or (c), the commission shall issue the applicant a
- 47 broker license and an identification card which certifies the issuance of
- 48 the license and indicates the expiration date of the license. The license
- 49 shall be displayed at the broker's place of business.
- 50 (g) Notice of passing the commission examination serves as a
- 51 temporary permit for an individual applicant to act as a broker as soon

as the applicant sends, by registered or certified mail with return receipt requested, a timely license fee as prescribed in subsection (a)(6). The temporary permit expires the earlier of one ~~hundred twenty (120) days~~ **(1) year** after the date of the notice of passing the examination or the date a license is issued.

(h) Unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action. If a broker fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless the broker again complies with the requirements of subsection (a)(4), (a)(5), and (a)(6).

(i) A partnership, corporation, or limited liability company may not be a broker-salesperson except as authorized in IC 23-1.5. An individual broker who associates as a broker-salesperson with a principal broker shall immediately notify the commission of the name and business address of the principal broker and of any changes of principal broker that may occur. The commission shall then change the address of the broker-salesperson on its records to that of the principal broker.

SECTION 73. IC 25-34.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A salesperson licensed under section 3.1 of this chapter or a broker licensed under section 4.1 of this chapter may apply for and receive an inactive license from the commission.

(b) An individual may not be granted an inactive license without the approval of the commission if a disciplinary or suspension hearing is pending against the individual.

(c) An individual with an inactive license:

(1) may not perform an act that requires a salesperson or broker's license;

(2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;

(3) is required to pay any fees that a licensee is required to pay; and

(4) must fulfill the ~~requirement~~ **requirements** under ~~IC 25-34.1-9-11(1)~~ **IC 25-34.1-9-11** for the current licensing period before applying for reactivation of the individual's license.

(d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt rules under IC 4-22-2 establishing continuing education requirements for individuals who have reactivated a license with less than twelve (12) months remaining in the licensing period.

SECTION 74. IC 25-34.1-9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. ~~(a)~~ **Subject to IC 25-1-4**, the commission may deny renewal of the license of a licensee that does not fulfill the requirements of this chapter.

~~(b) Suspension proceedings shall be conducted in accordance with~~

~~IC 4-21.5 and the commission has all powers granted under IC 4-21.5.~~

SECTION 75. IC 25-35.6-1-7, AS AMENDED BY HEA 1040-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: Sec. 7. (a) The professional standards board may issue **the following**:

(1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.

(2) **A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.**

(b) The professional standards board shall issue a license as a speech-language pathologist to an individual who:

(1) is licensed as a speech-language pathologist under this article; and

(2) requests licensure.

~~(b)~~ (c) A speech-language pathologist licensed by the professional standards board shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

~~(c)~~ (d) The professional standards board may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

~~(d)~~ (e) The professional standards board may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

~~(e)~~ (f) An individual who:

(1) if:

(A) the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or

(B) the individual is an audiologist, works in an educational setting;

(2) has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and

(3) has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 25-1-8-7; IC 25-7-10-13; IC 25-8-2-2.5; IC 25-8-2-16; IC 25-8-2-18; IC 25-8-4-8.5; IC 25-8-8; IC 25-8-12;

1 IC 25-8-13-6; IC 25-8-13-10; IC 25-8-15; IC 25-13-2-8; IC 25-13-2-11;
 2 IC 25-13-2-12; IC 25-13-2-13; IC 25-14-3-10; IC 25-14-3-13;
 3 IC 25-14-3-14; IC 25-14-3-15; IC 25-20-1-4; IC 25-26-15;
 4 IC 25-33-2-3.

5 SECTION 77. [EFFECTIVE JULY 1, 2006] (a) The rules adopted
 6 by the optometric legend drug prescription advisory committee
 7 under IC 25-26-15-13, as repealed by this act, before July 1, 2006,
 8 and in effect on June 30, 2006, shall be treated after June 30, 2006,
 9 as the rules of the Indiana optometry board under IC 25-24-3, as
 10 added by this act.

11 (b) Any reference in a law, a rule, a license, a registration, a
 12 certification, or an agreement to the optometric legend drug
 13 prescription advisory committee shall be treated after June 30,
 14 2006, as a reference to the Indiana optometry board.

15 SECTION 78. [EFFECTIVE UPON PASSAGE] (a)
 16 Notwithstanding IC 4-1-8-1, this SECTION applies instead of
 17 IC 4-1-8-1.

18 (b) No individual may be compelled by any state agency, board,
 19 commission, department, bureau, or other entity of state
 20 government (referred to as "state agency" in this chapter) to
 21 provide the individual's Social Security number to the state agency
 22 against the individual's will, absent federal requirements to the
 23 contrary. However, this subsection does not apply to the following:

- 24 (1) Department of state revenue.
- 25 (2) Department of workforce development.
- 26 (3) The programs administered by:
 - 27 (A) the division of family and children;
 - 28 (B) the division of mental health and addiction;
 - 29 (C) the division of disability, aging, and rehabilitative
 30 services; and
 - 31 (D) the office of Medicaid policy and planning;
 32 of the office of the secretary of family and social services.
- 33 (4) Auditor of state.
- 34 (5) State personnel department.
- 35 (6) Secretary of state, with respect to the registration of
 36 broker-dealers, agents, and investment advisors.
- 37 (7) The legislative ethics commission, with respect to the
 38 registration of lobbyists.
- 39 (8) Indiana department of administration, with respect to
 40 bidders on contracts.
- 41 (9) Indiana department of transportation, with respect to
 42 bidders on contracts.
- 43 (10) Indiana professional licensing agency.
- 44 (11) Department of insurance, with respect to licensing of
 45 insurance producers.
- 46 (12) A pension fund administered by the board of trustees of
 47 the public employees' retirement fund.
- 48 (13) The Indiana state teachers' retirement fund.
- 49 (14) The state police benefit system.
- 50 (15) The alcohol and tobacco commission.
- 51 (16) The state department of health, for purposes of licensing

radiologic technologists under IC 16-41-35-29(c).

(c) The bureau of motor vehicles, notwithstanding the prohibition set forth in subsection (b), may require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(d) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(e) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(f) The Indiana gaming commission, notwithstanding the prohibition set forth in subsection (b), may require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(g) Notwithstanding the prohibition set forth in subsection (b), the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

(h) This SECTION expires July 1, 2006.

SECTION 79. An emergency is declared for this act.

(Reference is to ESB 333 as reprinted March 1, 2006.)

Conference Committee Report
on
Engrossed Senate Bill 333

Signed by:

Senator Dillon
Chairperson

Representative Harris T

Senator Broden

Representative Oxley

Senate Conferees

House Conferees